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### Joint EWO submission to the ACCC - Re-authorisation of the New Energy Tech Consumer Code

Thank you for the opportunity to comment on the Clean Energy Council (CEC)'s application for authorisation of the New Energy Tech Consumer Code (the **NETCC**).


The comments contained in this submission reflect the feedback of the Energy and Water Ombudsman Queensland (**EWQO**), Energy & Water Ombudsman South Australia (**EWOSA**), Energy and Water Ombudsman Victoria (**EWOV**) and Energy & Water Ombudsman New South Wales (**EWON**). We are the industry-based external dispute resolution schemes for the energy and water industries in our respective states.

Our feedback on the application focuses primarily on public detriment that may arise where consumers do not have equitable access to redress for complaints.

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Yours sincerely



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\* Due to a conflict of interest, the Ombudsman and CEO of EWOV has not participated in this submission.

## Introduction

The rapid expansion of new energy products and services, such as consumer energy resources (**CER**), promises significant opportunities for emissions reduction, improved health outcomes and long-term consumer financial benefits, but also creates new risks for consumers.

Policymakers such as the Australian Energy Market Commission (**AEMC**), Australian Energy Regulator (**AER**), and Commonwealth and some state and territory government departments have been actively progressing reforms so the National Energy Market (the **NEM**) can adapt to CER and to establish new, fit-for-purpose consumer protections. However, some gaps have emerged as technology and take up has moved at a faster pace than regulatory reform. We acknowledge the important role the NETCC has played to bridge this gap, building on existing consumer protections set out by Australian Consumer Law (**ACL**) to provide specific protections for consumers of new energy technologies covered by the Code.

The NETCC aims to raise standards for signatories of the Code. It aims to provide consumers with confidence that a retailer or installer of new energy technologies who is accredited under the NETCC is an established business committed to consumer protection standards, including fair and honest quotes, ethical sales practices and after-sales customer service. A number of government subsidy schemes aimed at increasing take up of new energy technologies, including the Australian Government Small-scale Renewable Energy Scheme (**SRES**) and Solar Victoria's Solar Homes program, require providers to be signatories to the NETCC, ensuring they commit to these minimum standards for consumer protections.

However, as a voluntary code, not all retailers and installers are obligated, or choose, to sign up, and are therefore not subject to the NETCC. This creates inconsistent levels of protections for consumers depending on who their provider is, even where they purchase the same products and services, and allows some providers to engage in conduct that leads to consumer harm and erodes trust and confidence in this market. Some examples of these harms and challenges for consumers in resolving issues, are highlighted in case studies provided at **Appendix 1**.

Further, even where consumers purchase new energy technologies from NETCC suppliers, the NETCC in its current form does not establish an adequate pathway for unresolved consumer complaints against suppliers. The NETCC includes an overall commitment to *'ensure that we will be responsive to your needs and take prompt, appropriate action if you make a complaint.'* We note proposed amendments to the NETCC outlined in the application for re-authorisation (the **application**) seek to make minor revisions for complaints about NETCC suppliers and dispute resolution pathways.

Our submission highlights how the NETCC may lead to consumer confusion and ambiguity about what they can expect when they raise complaints directly with their providers, or where they can go next if their complaint cannot be resolved. Additionally, the escalation process through the NETCC Administrator's complaints procedure may create further confusion.

We note a significant reform agenda is underway to ensure the consumer protection framework is fit for purpose in an evolving market. We support a continued role for the NETCC in bridging a gap in consumer protections for new energy technologies. However, we encourage the ACCC to leverage the re-authorisation process to address some critical gaps in the NETCC. This includes setting out a pathway for alignment with a new consumer protection framework for new energy technologies as they emerge, and to ensure consumers can access independent external dispute resolution.

## Policy context

### Reforms underway to establish new consumer protections for new energy technology

A significant reform agenda is underway to establish fair, consistent and accessible consumer protections for CER across all market settings.

In particular, Energy Ministers initiated the Better Energy Customer Experiences (**BECE**) process to identify and progress necessary changes to consumer protection frameworks. This reform aims to ensure consumers are adequately protected through the energy transition and beyond.

In our [submission](#) to the Department of Climate Change, Energy, the Environment and Water (**DCCEEW**),<sup>1</sup> we expressed support for the BECE reform agenda, which we consider presents a critical opportunity to modernise protections, reduce complexity and ensure all consumers, regardless of their location, technology or provider, can participate confidently in the energy transition. We emphasised the need to establish an external dispute resolution jurisdiction for CER and mechanisms to ensure providers of products and services are required to join the relevant ombudsman scheme.

We strongly encourage the ACCC to consider this broader reform context as part of the re-authorisation process. While Energy Ministers have committed to improved consumer protections through BECE and the National CER Roadmap, these may take time to be introduced. In the meantime, consumers will continue to engage with new energy technologies products and services, and the NETCC will continue to play an important role in providing minimum standards for consumer protections. The re-authorisation process provides an opportunity to ensure the NETCC aligns with strong consumer protections at both state and Commonwealth levels.

## Feedback on the application for re-authorisation

### Consumer access to internal and external dispute resolution

Ensuring consumers can make complaints and access external dispute resolution is vital to building trust and confidence in an evolving market.

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<sup>1</sup> Joint EWO Submission, [Better Energy Customer Experiences](#), June 2025.

The NETCC recognises this, establishing an overall commitment to respond to complaints in a fair, timely and transparent manner. The NETCC also includes a specific requirement for signatories to respond to consumer complaints in 25 business days and if a consumer is dissatisfied with a signatory's response:

*“we will provide you with contact details for escalation options including any external dispute resolution (Ombudsman) scheme of which we are a member, the State Consumer Affairs or Fair Trading body and the Administrator” (clause 55(f)).*

However, we note some limitations with these requirements that create consumer confusion and barriers to accessing internal and external dispute resolution, outlined below, and set out three changes needed to address these issues:

1. Strengthen requirements for complaint handling processes.
2. Clarify the role of the Administrator in relation to complaints and dispute resolution.
3. Clarify the pathway to escalate to a relevant external dispute resolution body.

## Strengthen requirements for complaint handling processes

Clauses 54 and 55 of the current NETCC set out minimum requirements for signatories to respond to consumer complaints.

We recommend revising these provisions to require NETCC signatories to establish appropriate internal dispute resolution processes and to engage effectively with consumers about their complaints. The Application (page 48) notes “failure in complaint handling and management was one of the most breached obligations, accounting for 12% of all breaches recorded in 2024, indicating a clear area for continued focus and improvement in Signatories’ practices.”

We note that the NETCC requires the Administrator to develop and publish a complaints procedure consistent with Australian Standard AS 10002:2022. We support, as a minimum, the same requirement for signatories and for the complaints procedure to be easily accessible on their website.

Additionally, we note that other industries have stronger requirements to ensure consistent, accessible and appropriate internal dispute resolution procedures and entitlements to external dispute resolution. For example, financial services licensees are required to establish internal dispute resolution procedures that are consistent with *ASIC Regulatory Guide 271 (RG271)*.<sup>2</sup> RG271 builds upon the Australian and New Zealand complaint management standards to include additional matters relevant to the industry, including (amongst other things):

- content and timeframe guidance for internal complaint responses
- appropriate resourcing to handle complaints
- a focus on objectivity and fairness

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<sup>2</sup> ASIC Regulatory Guide RG 271; *Competition and Consumer (Consumer Data Right) Rules 2020 (Cth)*, Schedule 4, Part 5, 5.1.

- requirements to inform consumers of the relevant industry ombudsman and to provide details about how and when to access the ombudsman.

## Clarify the role of the Administrator in relation to complaints

In addition to these requirements for signatories, the NETCC includes an annexure relating to Code administration. It sets out that the role of the Administrator relates primarily to the day-to-day administration of the Code, as well as monitoring and compliance functions.

It also sets out a complaints and dispute handling function, where the Administrator will establish a complaints procedure consistent with Australian Standards AS ISO 10002. It allows the Administrator to negotiate outcomes with the customer and signatory, and determine what remedial action or sanction is appropriate for signatory non-compliance.<sup>3</sup> These provisions focus on the monitoring and supervision of the signatory, and applicable remedial action includes rectification of the issue, staff training, assessments and appointment of an external auditor. The Administrator may also publicise the breach.

We note the Application has proposed minor amendments to these complaint and dispute handling provisions set out in A28(a), to make it clearer that complaints about a signatory's behaviour under the Code can be made to the Administrator by the signatory, consumers or regulators.

We support the principle that anyone should be able to raise a complaint about signatory behaviour to the Administrator for appropriate action. However, we have some concerns about these amendments, outlined below, relating to:

1. The process to escalate complaints.
2. The Administrator's primary powers set out in the NETCC.
3. The Administrator's limited role in dispute resolution.

## The process to escalate complaints is unclear

Ombudsman schemes operate on the basis that it is always best for the provider to resolve the complaint directly with the consumer, which is set out in proposed clauses 54 and 55. However, we are concerned that the proposed clause A28 may conflict with these requirements and does not make sufficiently clear that a signatory is first required to respond to a consumer's complaint in accordance with the process set out in those clauses.

To address this, any amended dispute resolution provisions should provide clarity about timeframes for internal dispute resolution, as well as a clear timeframe for escalation to the relevant external body. Given that the NETCC already sets a 25 day timeframe for signatories to respond to complaints, we recommend that if a complaint is not resolved within 25 days, consumers should be able to escalate their concerns at this point.

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<sup>3</sup> New Energy Tech Consumer Code, September 2020, cl.A21 – A.25.

## The NETCC establishes the Administrator's powers with a primary focus on Code compliance

We support the introduction of proposed A21, which establishes the Administrator's powers, setting out a self-regulatory approach whereby the Administrator can make a decision regarding a breach of the NETCC and require remedial action or sanctions such as staff training, assessment/accreditation of sales agents, and third-party auditing. The available remedial action is relevant to monitoring and rectifying the signatory's breach.

The amended annexure also establishes an entitlement to escalate a complaint to the Administrator. We acknowledge the need for this escalation point for consumers to raise concerns where there is no relevant ombudsman scheme in their state or territory.

However, we have some concerns with the broader practical application of this entitlement. The proposed annexure sets out that the Administrator may investigate the complaint, attempt to negotiate or refer to the relevant dispute resolution body, providing wide discretion for the Administrator's involvement. We also consider there to be potential for consumer confusion and fractured dispute resolution pathways given the CEC's complaints page says it does not accept complaints about accredited installers. These complaints need to be referred to Solar Accreditation Australia (SAA).<sup>4</sup>

Where there is an existing Ombudsman scheme, it may be preferable for a complaint to escalate directly to the Ombudsman after internal dispute resolution, rather than additionally escalate to the Administrator (and potentially the Panel). This would increase accessibility for consumers, limit friction and reduce complaint fatigue.

## The Administrator has a very limited role in dispute resolution for individual consumers

Additionally, the Administrator's NETCC complaints procedure states that it only accepts some consumer complaints. As noted in the 'Scope' of the NETCC Complaints Procedure, the Administrator is not a dispute resolution body and cannot offer conciliation services. The Administrator's function is to focus on issues which relate to maintaining compliance with the NETCC.<sup>5</sup> It does not appear to be focused on facilitating remedies for individual loss or harm caused to consumers when errors or non-compliance occurs.

The NETCC Annual Report 2024 further confirms this, noting that *"As the Code Administrator, the CEC is not a dispute resolution body and does not have the jurisdiction under the Code to arbitrate commercial, civil or financial disputes."*<sup>6</sup>

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<sup>4</sup> Clean Energy Council, 'Feedback and complaints' (website 2025) [Feedback on the CEC | Clean Energy Council](#).

<sup>5</sup> [New Energy Tech Consumer Code Complaints Procedure](#), 1.

<sup>6</sup> [NETCC Annual Report 2024](#), p 8.

Accordingly, escalation of a consumer's complaint to the Administrator may not be the most appropriate forum where a consumer is seeking an assessment of the loss, damage or harm caused and a remedy relevant to their individual circumstances. These are outcomes that Ombudsman schemes can provide, complementing the CEC's own self-regulatory function which focuses on material breaches of the Code. This is discussed in more detail on page 8.

## Clarify the pathway to escalate to a relevant external dispute resolution body

It is crucial that where consumers cannot resolve a complaint directly with their NETCC supplier, they have a clear and accessible pathway to external dispute resolution. The NETCC does not currently set out a consumer's options should they not agree with the signatory or Administrator's complaint response and want to escalate the complaint further.

The re-authorisation process provides the opportunity to clarify and confirm access to external dispute resolution schemes for unresolved consumer complaints. Our feedback in relation to the following is outlined below:

1. NETCC signatories should be required to be members of the relevant Ombudsman scheme.
2. Other dispute resolution services may be insufficient.
3. Ombudsman schemes provide a range of additional benefits beyond dispute resolution.

### Signatories should be required to be members of EWOs

While amended clause 55(f) requires signatories to refer consumer complaints to an Ombudsman scheme of which they are a member, the NETCC does not nominate an independent external dispute resolution body for the purposes of complaints.

Clause 55(f) also only requires signatories to refer consumer complaints to an Ombudsman scheme if they are already a member of that ombudsman scheme. The signatories are not required to be a member of an ombudsman scheme for the purposes of the consumer energy services, products and activities the NETCC seeks to cover.

Further, if any of the signatories are already a member of an Ombudsman scheme, it would be for the purpose of an electricity licence or exemption, the scope of which may not extend to the products and services provided under the NETCC. This means, even if a signatory is a member of an Ombudsman scheme for the purpose of their electricity licence, a NETCC complaint may fall outside its jurisdiction, in the absence of a clear requirement for the signatory to be a member for the purpose of the NETCC.

The NETCC Annual Report 2024 noted that 167 instances of referral advice were provided by the Administrator to complainants to escalate their matter to other more appropriate dispute resolution bodies. Of the 167 referral advice notices sent to consumers, 97 were for dispute resolution bodies, such as the civil and administrative tribunal of the relevant state or territory. However, the NETCC Annual Report does not state that any complaints were referred to the relevant Ombudsman scheme, despite this entitlement set out in the Code. Other dispute resolution services may be insufficient

In the absence of any requirement for signatories to be members of the relevant Ombudsman schemes, or where there is no Ombudsman scheme in the consumer's state or territory, external dispute resolution options for complaints relating to conduct under the NETCC may be limited to the state or territory consumer affairs bodies. However, those bodies may also be limited in their capacity to handle complaints. For example, in Victoria, the Consumer Affairs Victoria (**CAV**) website confirms, for energy complaints, it can provide information and advice if the problem relates to:

- door to door sales and telemarketing
- false or misleading representations
- unfair practices and contracts terms.<sup>7</sup>

CAV also confirms that it will not get involved in all consumer complaints and it may decide a consumer's problem is not suitable for its services.<sup>8</sup>

There is the risk this creates ambiguous dispute resolution options for consumers, with different services offering different levels of accessibility and outcomes. It will be very difficult to maintain consumer trust in these products and services if they receive poor outcomes or services, and there is no clear pathway for external dispute resolution.

The AER reported that many stakeholders providing feedback to its review of consumer protections for future energy services agreed that:

- Providing accessible and low-cost dispute resolution for all energy services would help build consumer trust in the energy sector.<sup>9</sup>
- Reducing the complexity of complaints resolution and ensuring consumers have a single entity in their state to manage energy-related complaints should be a key objective.<sup>10</sup>

Further, the CER Taskforce recently defined complaints and dispute resolution as key activities required for power and market system operations, and proposed to assign the relevant state-based Ombudsman scheme to these activities. We encourage the ACCC to leverage this re-authorisation process to align NETCC requirements with this broader reform agenda.

### Ombudsman scheme provides additional benefits

Our role as an EDR scheme goes far beyond simply resolving complaints and includes improving public trust in the energy sector. We are part of the integrity network which helps ensure effectively functioning markets.<sup>11</sup>

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<sup>7</sup> [Who to go to for help - Consumer Affairs Victoria](#)

<sup>8</sup> [Resolve your problem - Consumer Affairs Victoria](#)

<sup>9</sup> AER, Options for reform of the National Energy Customer Framework, Review of consumer protections for future energy services, October 2022, p9

<sup>10</sup> AER, Options for reform of the National Energy Customer Framework, Review of consumer protections for future energy services, October 2022, p9

<sup>11</sup> Dr Gavin McBurnie and Jane Williams, Energy and Water Ombudsman NSW Independent five-year review, 30 October 2019, p23

Using EWOs as the dispute body for new energy technologies has a range of other benefits, including:

- **Fair and reasonable jurisdiction** – the charters and constitutions under which EWOs operate empower us to consider what is fair and reasonable through the application of relevant laws, industry codes and good industry practice when resolving complaints. This includes, but is not limited to, Australian Consumer Law. This broad and flexible mandate allows EWOs to consider not only whether a provider has breached any particular standards or rules, but determine what is fair and reasonable in each case, drawing on established consumer protection principles.
- **Accountability** – our work is guided by, and we are accountable to the principles in the Commonwealth Government’s Benchmarks for Industry-based Customer Dispute Resolution. We are also required to undertake regular independent reviews to ensure we are complying with these benchmarks.
- **Cost and time effective dispute resolution services** – ombudsman schemes are a cost and time-effective way to resolve individual complaints when compared to formal legal or regulatory avenues. As the Australian Productivity Commission (Productivity Commission) has observed, Ombudsmen mediate outcomes between parties and conduct investigations where necessary, removing the need for legal representation.<sup>12</sup>
- **Industry feedback and improvement** – through our casework, EWOs are able to identify industry good practice as well as identify gaps and opportunities for improvement to products, services and dispute resolution practices among our members, and to communicate these through direct engagement with member businesses.
- **Systemic issues identification and response** – If unresolved complaints against new energy technology market participants were able to be escalated to the relevant Ombudsman scheme, this would allow us to provide early insights on trends and possible systemic issues arising in the market before they become larger issues in the community. This intelligence is vital in ensuring that a quickly evolving market can be steered in the right direction.

Systemic issue identification is a key function of Ombudsman schemes that is built into our respective Charters. Responding to systemic issues is important for addressing underlying policies or approaches that are driving complaints and for assisting consumers who have not raised a complaint or dispute but may, nonetheless, have been impacted by a systemic issue. The importance of identifying and responding to systemic issues is recognised as an important function of dispute resolution.

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<sup>12</sup> Productivity Commission, Access to Justice Inquiry Report, 2014, p. 11. As the National Inquiry noted in 2014, at that time, Ombudsman schemes had capacity to consider approximately 542,000 cases nationally requiring approximately \$481 million combined government and industry funding across all Ombudsman schemes. Tribunals had capacity to consider approximately 395,000 matters, required parties to pay registry and legal fees if represented and required approximately \$508 million in government funding support. Civil courts had capacity to consider approximately 673,393 matters, required payment of registry, costs and other legal fees and required approximately \$836 million government funding.

- **Policy insights and reform** – Leveraging its case insights, Ombudsman schemes are able to identify opportunity for policy and regulatory reform to improve industry practice and improve consumer experiences and broader market outcomes. Ombudsman schemes regularly shares their insights with policy and regulatory bodies to inform policy decisions and regulatory intervention.

In this context, Ombudsman schemes are well positioned to support relevant bodies in monitoring performance and compliance activities, by sharing our unique market insights to improve industry practice, identify opportunities for reform and referring issues to the relevant regulatory body for compliance and enforcement action. We already interact this way with other regulators to support their functions and activities.

For example in Victoria, EWOV engages in this way with the Essential Services Commission (**ESC**) under its Memorandum of Understanding to provide insights relevant to policy reform as well as the ESC's compliance and enforcement function. EWOV provided information to the ESC about a provider's approach to marketing and providing the best offer notification. The ESC subsequently commenced proceedings in the Supreme Court of Victoria that resulted in the Court ordering the provider to pay \$10 million in penalties.

In the National Energy Consumer Framework jurisdiction, both EWON and EWOSA reported to the Australian Energy Regulator (**AER**) multiple instances involving one provider's approach to providing payment difficulty assistance to consumers. The AER commenced proceedings in the Federal Court of Australia and the Court held that the provider contravened its obligations to protect customers experiencing hardship and payment difficulties under the National Energy Retail Law and the National Energy Retail Rules. The provider was ordered to pay \$17 million in penalties.

Ombudsman schemes could similarly establish arrangements to provide insights from their complaint work to the Administrator for it to take such compliance action as it considered appropriate within its powers.

To leverage these benefits, we recommend that an additional amendment be included as part of re-authorisation, that requires the signatory to become a member of the relevant Energy and Water Ombudsman scheme, subject to the relevant Ombudsman scheme's jurisdiction.

## Further protections for consumers experiencing vulnerability and payment difficulty

We support the principle that consumers can access protections and assistance in the event of vulnerability. We regularly observe examples where incorrect installation, configuration or operation of new energy technologies can compound a consumer's hardship through inconsistent supply or unexpected payments.

We note that the NETCC includes provisions related to signatory conduct in the event of consumers experiencing vulnerable circumstances (clauses 52 and 53). However, we consider these could be strengthened.

There are existing vulnerability and payment difficulty protections in place for energy-related products and services which could be tailored and applied in the context of products and services provided under the NETCC.

For example, in Victoria, the *Energy Retail Code of Practice* incorporates the Payment Difficulty Framework (**PDF**), a set of rules to protect and support residential energy retail consumers that are anticipating or facing payment difficulty, among other things. This framework includes standard and tailored assistance that applies depending on the level of consumer hardship and applying a similarly tailored approach to new energy technologies may mitigate risks for vulnerable consumers.

Where a consumer obtains a new energy technology product via a credit product regulated by the *National Consumer Credit Protection Act 2009* (Cth), consumers anticipating or experiencing payment difficulty are entitled to request financial hardship repayment arrangements from their creditor, such as deferred or reduced repayments.

The emergence of new financing products offered directly by new energy technology providers, as well as a shift towards bundling of products and services, may be out of scope of existing energy retail and credit protections. This may create uncertainty for consumers who experience payment difficulty related to new energy technologies about which providers are obligated to provide payment difficulty assistance and what assistance they are entitled to.

We also note dynamic control over some new energy technologies and possible uptake of new data or internet-based services may give rise to the capability to remotely control key essential appliances, giving rise to specific risks in the context of family violence. For example, remote access and control of energy products and services could be used to identify when a victim-survivor is likely to be home or controlling the use of appliances and electric vehicles or exerting financial harm through excessive use of products and services to create high bills and debt.

We anticipate that protections for vulnerability will likely be introduced as part of the introduction of a broader consumer protection framework for new energy technologies. The re-authorisation process provides an important opportunity to establish stronger protections for consumers experiencing vulnerable circumstances to set out a pathway for industry-wide requirements.

## Final remarks

The NETCC continues to play an important role raising standards for signatories and providing consumer protections. In the context of major national reform underway, which will broaden and strengthen the scope of consumer protections for new energy technologies, we encourage the ACCC to consider how the re-authorisation process can create a pathway to alignment with future national reform, to avoid unnecessary regulatory burden, and to prevent duplication or contradiction of existing obligations.

In the meantime, ensuring consumers can access external dispute resolution when things go wrong will provide a baseline consumer protection ahead of more wholesale reforms, protecting consumers from emerging risks and helping the market to function more effectively.

## Appendix 1: case studies

### Case 1: Limited accountability and redress for issues with new energy technology

EWOV received a complaint from Andrew\*, on behalf of Greg\* and his wife Ethel\* at the end of 2023. Greg had borrowed money to purchase a solar PV and battery system from a NETCC approved seller to help reduce power bills and ensure ongoing supply in a power outage.

Both Greg and Ethel were in their late 70s and Ethel has a disability, requiring essential medical equipment and services powered by electricity. The system, costing \$15,000, was installed a year earlier, but never functioned. The unit had a fault light that had been on constantly and their power bills remained at around \$1,400 quarter. The unit did not provide power in an outage, so Greg and Ethel sometimes had to start a generator.

Andrew reported to EWOV that he believed Greg did not know what he was buying and that the company who supplied the unit organised the loan for the system, which had put Greg and Ethel in debt.

Andrew made repeated attempts to contact the solar retailer over a four-week period. The solar retailer eventually responded with a promise to have the installing contractor contact Greg and Ethel to resolve the issue, which Andrew reported did not occur.

Though the solar retailer outlined on its website that its workforce were CEC-checked and that it would provide support for any issues that arise, Andrew reported that no concrete action or resolution was provided by the installer. When Andrew contacted EWOV, he shared a formal complaint letter he had written to the solar retailer.

*\*Names changed for privacy purposes. This complaint fell outside of EWOV's jurisdiction, however EWOV reviewed correspondence provided by the consumer to help understand the facts in dispute.*

### Case 2: Uncertain pathway for dispute resolution for bundled product

EWON received a complaint from Jonathan\* whose solar system kept turning itself off, forcing him to continuously monitor and reset the system. His solar retailer was a NETCC approved seller. He first reported the issue to the solar retailer in October 2024, and by March 2025 the issue was still not resolved. Jonathan estimated that the system had turned itself off over 50 times. The solar retailer kept advising him that they were upgrading their software and their engineering department was investigating, but the issue persisted. Jonathan was particularly frustrated that the issue continued over the summer period when the weather was sunniest. The information from Jonathan initially indicated that he also had a high bill complaint about his authorised energy retailer, which was an EWON member. EWON referred the matter to a senior team at the authorised energy retailer to try and resolve the complaint in the first instance.

Jonathan returned to EWON and advised that his complaint was still not resolved. He said that his authorised energy retailer arranged for a solar retailer technician to inspect the solar system, but they did not attend at the time agreed. EWON contacted the authorised energy retailer for more information. The authorised energy retailer clarified that the solar system was installed as part of a Power Purchase Agreement (PPA). Jonathan had signed a contract with its two 'sister companies', a PPA provider and a solar retailer, and the authorised energy retailer was not the Financially Responsible Market Participant for Jonathan's address. The complaint was not technically within EWON's jurisdiction due to all of these factors. However, the authorised energy retailer voluntarily provided information to EWON about the outcome. A solar retailer technician attended and rectified an issue with the solar system. The 'sister company' PPA provider applied a credit of \$110 to Jonathan's next PPA invoice.

*\*Names changed for privacy purposes.*

### Case 3: Prolonged lack of response from provider

EWON received a complaint from Veronica\*, who had solar panels installed about four years ago by a NETCC approved solar retailer. She said that the panels had been faulty for the last two years, with various issues such as the inverter repeatedly overloading and switching off the system. She had been trying to get the solar retailer to investigate without success, and the solar retailer had stopped responding to her contact attempts. She had been missing out on solar generation credits throughout that time but did not want to make a complaint about her authorised energy retailer, as she understood the underlying issue was not within their control.

The complaint was out of jurisdiction as the solar retailer was not an EWON member. EWON referred Veronica to the NSW state consumer affairs body, NSW Fair Trading. Veronica later contacted EWON to provide an update that NSW Fair Trading was planning to issue correspondence to the solar retailer to prompt action on the matter. NSW Fair Trading also advised her that this solar retailer had previously been fined for compliance issues.

*\*Name changed for privacy purposes. This complaint fell outside of EWON's jurisdiction, however EWON reviewed additional information provided by the consumer to help understand the facts in dispute.*